

REMARKS

In response to the Restriction Requirement dated November 8, 2004, applicants have elected, with traverse, species 1, claims 1-15, for examination at this time.

Claims 1-33 will be pending upon entry of the present amendment, including new claims 29-33. Claims 16, 21, 25, and 26 are amended.

The Examiner has restricted the claims of the application to three patentably distinct species, namely species 1, including claims 1-15, species 2, including claims 16-20, and species 3, including claims 21-27. Applicants respectfully traverse this restriction requirement.

MPEP §808 states that “every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct; and (B) the reasons for insisting upon restriction therebetween...” (emphasis in the original).

The Examiner has provided no more than the mere statement of conclusion, and has failed to fulfill either of the aspects outlined in the above referenced section. Accordingly, applicants request that the Examiner provide sufficient explanation to fulfill both aspects outlined. Alternatively, applicants request that the restriction requirement be withdrawn.

In the event the Examiner maintains the restriction requirement, applicants request that the Examiner define the species by reference to the specification rather than the claims. Applicants call the Examiner’s attention to MPEP §809.02(a), which outlines actions to be taken by the Examiner when issuing a restriction requirement. In particular, paragraph (B) states, “clearly identify each ... of the disclosed species, *to which claims are restricted*. The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively. **In the absence of distinct figures or examples** to identify the several species, the mechanical means, the particular material, or other distinguishing characteristics of the species should be stated for each species identified. If the species *cannot be conveniently identified*, the claims may be grouped in accordance with the species to which they are restricted” (italics in original, bolded emphasis added).

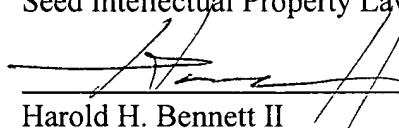
Applicants note that the option of grouping the claims in accordance with species is provided as an alternative, only in those cases in which the specification has neither distinct

figures or examples to identify the several species, nor mechanical means, particular material, or other distinguishing characteristics of the species. The specification of the present application includes Figures 1-28, in which at least four embodiments of the invention are illustrated, together with accompanying text providing further information and detail regarding these embodiments and other variations. Applicants believe that there are sufficient figures and examples in the specification to permit the Examiner to identify species therewith. Applicants further note that each independent claim — claims 1, 16, 21, and new independent claim 31 — reads on all the embodiments described with reference to Figures 1-28, and thus would be generic to any species restricted from among the illustrated embodiments.

In the event the Examiner disagrees with the Applicants, and maintains that the species cannot be conveniently identified by reference to the specification, applicants respectfully request that the Examiner provide “the particular limitations in the claims and the reasons why such limitations are considered to restrict the claims to a particular disclosed species ...” (See MPEP §814), and further request that the Examiner specifically identify the claim limitations directed to the mutually exclusive characteristics of each of the species (see MPEP §806.04(f)).

Withdrawal of the restriction requirement and consideration of all the claims is believed proper, and is therefore earnestly requested.

Respectfully submitted,
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